

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOUCHARD TRANSPORTATION CO., INC.,

Plaintiff,

-against-

LAUREL SHIPPING LLC and GULF OIL LP,

Defendants.

LAUREL SHIPPING LLC,

Third-Party Plaintiff,

-against-

M/V ELLEN S. BOUCHARD, IMO No. 8117952, Official No. 644590, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., M/V MORTON S. BOUCHARD JR., IMO No. 9794680, Official No. 1265315, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., M/V JANE A. BOUCHARD, IMO No. 9269702, Official No. 1139762, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., M/V EVENING STAR, IMO No. 9629768, Official No. 1234828, her engines, apparel, furniture, equipment, appurtenances, tackle, etc.,

Third-Party Defendants.

MARY KAY VYSKOCIL, United States District Judge:

Upon the motion of Third-Party Plaintiff Laurel Shipping LLC's ("Laurel") for an Order Authorizing Alan Swimmer to Act in Lieu of U.S. Marshall in Serving Warrant of Arrest [ECF No. 79], and good cause appearing therefore, the Motion is GRANTED.

In contrast to its previous request for the same relief made on February 27, 2020 [ECF No. 75], Laurel has now demonstrated that extraordinary circumstances exist warranting this unusual form of relief. Among the impacts of the COVID-19 pandemic are a significant curtailment of a range of court functions, including the service of process by US Marshals in the

1:19-cv-9559

ORDER

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Southern and Eastern Districts of New York. Laurel notes the Standing Order issued by Chief Judge McMahon for the Southern District (M10-468, 20MISC00153) and Chief Judge Mauskopf for the Eastern District (Administrative Order No. 2020-12). Furthermore, over two months have passed since the Court first issued the warrants for arrest requested by Laurel [ECF Nos. 64-67].

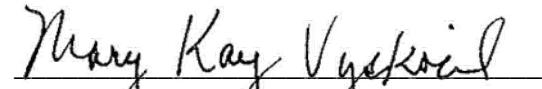
Therefore, upon this second motion of Laurel for an Order deputizing Alan Swimmer, the President of the court-appointed substitute custodian National Maritime Services, to act in lieu of the U.S. Marshal in serving the Warrant of Arrest on the M/V ELLEN S. BOUCHARD, the M/V MORTON S. BOUCHARD, the M/V JANE A. BOUCHARD, and the M/V EVENING STAR (the “Vessels”), and because the ordinary means of serving arrest papers are not available to Laurel due to COVID-19, it is hereby:

ORDERED that Alan Swimmer is hereby authorized to serve the Warrants issued on February 14, 2020; and it is further

ORDERED that Alan Swimmer, having been so authorized, shall serve the Verified Third-Party Complaint [ECF No. 48], Order Authorizing Issuance of Warrant of Arrest [ECF No. 61], the Warrants issued by this Court [ECF Nos. 64-67], and the Summons for each Vessel [ECF Nos. 57-60] on any occupant of the Vessels, or alternatively, post each on a conspicuous place on the Vessels, in accordance with this Court’s orders and any applicable rules and will file proof of service promptly.

SO ORDERED.

Date: April 29, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge